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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,509	03/29/2001	Dennis Sunga Fernandez	84022.0137	8530
86244 7590 08/30/2010 Snell & Wilmer L.L.P., (Barker) One Arizona Center 400 East Van Buren Street Phoenix, AZ 85004-2202				
EXAMINER VO, TUNG T				
ART UNIT 2621		PAPER NUMBER		
NOTIFICATION DATE 08/30/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

09/823,509

Applicant(s)

FERNANDEZ ET AL.

Examiner

Tung Vo

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04/02/2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-33 and 39-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-33 and 39-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the board decision on 04/02/2010, PROSECUTION IS HEREBY REOPENED. The Office Action is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Mehrdad Dastouri/

Supervisory Patent Examiner, Art Unit 2621

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 24-33 and 39-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moengen (US 6,373,508).

Re claims 24 and 31, Moengen teaches a system (fig. 1) comprising: a communicator (Q of fig. 1) configured to receive first data associated with an object (D1 and K1 of fig. 1) and second data associated with the object (Camera and GPS, col. 16, lines 5-38), wherein the first data is received from a fixed detector (D1 and K1 of fig. 1) configured to detect the first data, and wherein the second data is received from a mobile target unit (col. 16, lines 5-36, the natural object is equipped with GPS system to determination of the position, and the GPS system and radio transmitter and receivers would obviously be considered as a mobile target unit) comprising a sensor (the camera detects the second data incorporated with GPS system that has a sensor for determination of position of the natural object) configured to detect the second data, wherein the mobile target unit (GPS system) is at least one of: mounted in the object, mounted on the object, carried in the object, or carried on the object; and a processor configured to correlate the first data and the second data to generate object location information (col. 16, lines 5-36, the animals which are equipped with radio transmitters and GPS receivers, this suggestion would obvious to one skill in the art to mount the mobile target unit on the object).

Re claim 25, Moengen further teaches wherein the communicator is further configured to receive a target unit location (Q of fig. 1), the processor being further configured to determine whether the mobile target unit is within a range of the fixed detector (col. 6, lines 10-20).

Re claims 26 and 51, Moengen further teaches wherein: the object location information comprises at least one of object trajectory information, object physical location information, or object speed information; and the fixed detector is configured to provide an image of the object (fig. 10a and 10b).

Re claim 27, Moengen further teaches wherein the object is a vehicle (Natural Object would obviously be considered as a vehicle).

Re claims 28 and 33, Moengen further teaches a database configured to maintain a plurality of current positions associated with at least one of a plurality of sensors, a plurality of mobile target units, or a plurality of objects (P of fig. 1, production unit would obviously has a database to contain position information associated with the object).

Re claim 29, Moengen further teaches wherein the mobile target unit comprises an accelerometer configured to provide data indicative of movement of the object to facilitate generating the object location information (Transponders, note the active transponder also has to be mounted in the natural object, it has to be robust and capable of withstanding jolts and shocks as well as relative high accelerations, wherein the transponders are equipped with the natural object, col. 16, lines 5-50).

Re claim 30, Moengen further teaches wherein: the object is an identified good (natural object would obviously be an identified good); the mobile target unit comprises a radio-frequency identification device (GPS transmitter and receiver, col. 16, lines 5-38); and the fixed

detector comprises a camera (D1 and K1 of fig. 1) for observing the identified good, to facilitate enabling the sensor and the fixed detector to provide corroborative surveillance of the identified good (fig. 1).

Re claim 39, Moengen further teaches wherein the second data comprises the target unit location (col. 16, lines 5-50, GPS and Transponders generate the target unit location).

Re claim 40, Moengen further teaches wherein the correlating the first data and the second data comprises determining compliance with a scheduled object activity (Sport Event, Start to Finish, fig. 10a and 10b).

Re claim 41, Moengen further teaches wherein the correlating the first data and the second data comprises determining a movement vector to predict a future location of the object (Q of figs 1 and 2, col. 16, lines 5-38, determine the object is out of range).

Re claim 42, Moengen further teaches a plurality of detectors (K1-Kn of fig. 1) each having a corresponding observation range (camera has observation range), wherein at least one of the plurality of detectors is selected to observe the object (K1 of fig. 1, K1 is selected to capture an image of the object).

Re claim 43, Moengen further teaches wherein the first data comprises at least one of an image of the object or an identifier associated with the object (Image of the object, fig. 10a and 10b).

Re claim 44, Moengen further teaches wherein the first data comprises a plurality of images of the object captured at different times (figs. 10a and 10b).

Re claim 45, Moengen further teaches wherein the second data comprises at least one of an image of the object or an identifier associated with the object (figs. 10a and 10b).

Re claim 46, Moengen further teaches wherein the second data comprises a plurality of images of the object captured at different times (figs. 10a and 10b).

Re claim 47, Moengen further teaches wherein the object location information is determined at least in part based on a fixed detector location (K1 of fig. 1).

Re claim 48, Moengen further teaches wherein the object location information is determined at least in part based on a mobile target unit location (col. 16, lines 5-38).

Re claims 32 and 49, Moengen further teaches a movement module (1 of fig. 2) configured to activate a second fixed detector (K of fig. 2 is activated based on the location of the object, N of fig. 2) in response to the object location information.

Re claims 39 51, Moengen further teaches wherein the mobile target unit (col. 5, lines 5-30) comprises a locator unit (GPS system) configured to determine the target unit location.

Re claim 52, Moengen further teaches wherein the fixed detector (K of fig. 2) is configured to be selected in response to the processor's correlation of the first data and the second data (D1, D2 of fig. 2, and GPS in col. 16, lines 5-38).

Re claim 53, Moengen further teaches wherein the fixed detector is further from the second fixed detector than from a third fixed detector (K1, K2, and K3 of fig. 1).

Response to Arguments

3. Applicant's arguments filed 04/02/2010 have been fully considered but they are not persuasive.

The applicant argues that Moengen does not disclose "a processor configured to correlate the first data from the fixed detector and the second data from the mobile target unit to generate

object location information" as recited in claims 24 and 31; and Moengen explicitly excludes using any image data received through the cameras to determine position.

The examiner respectfully disagrees with the applicant. It is submitted that Moegen teaches a processor (Q and P of fig. 1) configured to correlate (1 and 2 of fig. 2) the first data from the fixed detector (the position of the natural object N is detected by the detector and camera, D1 and K1 of fig. 1) and the second data from the mobile target unit (col. 16, lines 11-20, the camera detects the second data incorporated with GPS system that has a sensor for determination of position of the natural object) to generate object location information (e.g. figs. 9a, b, c, note the system for manipulating (4 of fig. 2) the picture of at least one movable, natural object in a natural television picture in such a manner that the object's position and movement are clearly visible in the television picture, col. 4, lines 51-63; wherein synthetic object represent position of the natural object any t time, which indicates **the future position** of the natural object). Note claimed features do not include using any image data received through the cameras to determine position. Therefore, the disclosure of Moengen meets the claimed features.

The applicant argues that claims 25-26, 28-30, 32-33, 39-40, and 42-53 variously depend from independent claims 24 and 31. Therefore, Applicant asserts that dependent claims 25-26, 28-30, 32-33, 39-40, and 42-53 are differentiated from the cited references for at least the same reasons stated above for differentiating independent claims 24 and 31, as well as in view of their own respective features. Applicant thus requests the Examiner's rejection of claims 25-26, 28-30, 32-33, 39-40, and 42-53 is withdrawn. The arguments are not persuasive because all limitations of claims 25-26, 28-30, 32-33, 39-40, and 42-53 have been addressed above.

The applicant argues that Moengen does not disclose or contemplate "wherein the mobile target unit is at least one of: mounted in the object, mounted on the object, carried in the object, or carried on the object" as recited in claim 31, and as similarly recited in claim 24.

The examiner respectfully disagrees with the applicant. It is submitted that Moengen teaches wherein the second data is received from a mobile target unit (col. 16, lines 5-36, the natural object is equipped with GPS system to determination of the position, and the GPS system and radio transmitter and receivers would obviously be considered as **a mobile target unit**) comprising a sensor (the camera detects the second data incorporated with GPS system that has a sensor for determination of position of the natural object) configured to detect the second data, wherein the mobile target unit (GPS system) is at least one of: mounted in the object, mounted on the object, carried in the object, or carried on the object (col. 16, lines 5-36, the animals which are equipped with radio transmitters and GPS receivers, this suggestion would obvious to one skill in the art to mount the mobile target unit on the object).

The applicant argues that Moengen does not teach the claimed limitations in claim 24.

The examiner respectfully disagrees with the applicant. It is submitted that Moengen teaches wherein the correlating the first data and the second data comprises determining a movement vector to predict a future location of the object (Q of figs 1 and 2, col. 16, lines 5-38, determine the object is out of range).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Utke et al. (US 5,346,210) discloses an object locator system.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Vo whose telephone number is 571-272-7340. The examiner can normally be reached on Monday-Wednesday, Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tung Vo/
Primary Examiner, Art Unit 2621